

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 26, 2004 PLANNING COMMISSION MEETING

**P.A.S.:** Special Permit #04024

**PROPOSAL:** To allow the sale of alcoholic beverages for consumption on the premises at The Ville Grille.

**CONCLUSION:** The licensed premises is located in excess of 100' away from a residential district, day care facility, park, church, or state mental institution, and provided the site plan is revised to show the required designated parking, this request complies with all applicable criteria.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached ownership certificate.

**LOCATION:** 2701 North 48<sup>th</sup> Street

**EXISTING ZONING:** B-3 Commercial

**EXISTING LAND USE:** Commercial

### **SURROUNDING LAND USE AND ZONING:**

North:	Commercial	B-3
South:	Commercial	B-3
East:	Commercial	B-3
West:	Residential	B-3

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Comprehensive Plan designates commercial land uses in this area.

**HISTORY:** **CZ#04003** - A text amendment approved March 15, 2004, amending the special permits for on and off-sale alcohol.

## **BACKGROUND:**

This site is located in the heart of the University Place commercial center and is zoned B-3. The applicant is requesting a special permit to allow the sale of alcohol for consumption on the premises in conjunction with the existing restaurant, The Ville Grille.

## **ANALYSIS:**

### **1. SPECIAL PERMIT REQUIREMENTS PER LINCOLN MUNICIPAL CODE (LMC)**

**27.63.680:** Alcoholic beverages may be sold for consumption on the premises in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2 and I-3 zoning districts upon the approval of a special permit. Alcoholic beverages may also be sold for consumption on the premises as an accessory use to a golf course or country club as part of a separate special permit under Section 27.63.130 approving the golf course or country club in any district where recreational facilities are allowed as a permitted use, permitted conditional use, or permitted special use. A special permit for such use may be granted subject to the requirements of the respective districts, all applicable ordinances, and the following conditions:

**(a) Parking shall be provided on-site at the ratio of one space per 100 square feet of gross floor area.**

On-site parking in accordance with LMC 27.67.020 at a ratio of one space per 100 square feet of gross floor area must be provided. Several parking spaces are shown, but are not designated for this use on the site plan. The plan must be revised to include the floor area/parking space calculation and show the required spaces designated.

**(b) The sale of alcoholic beverages for consumption off the premises shall not be permitted without issuance of a permit under LMC Section 27.63.685 of this code.**

This application is for a special permit to allow the sale of alcohol for consumption on the premises. The sale of alcoholic beverages off the premises is not a part of this proposal and is not being requested.

**(c) The designated area specified in a license issued under the Nebraska Liquor Control Act of any building approved for such activity must be located no closer than 100 feet from a day care facility, park, church, state mental health institution, or a residential district (except where such use is accessory to a golf course or country club).**

The licensed premises is more than 100' away from day care facility, park, church, state mental health institution, or a residential district.

**(d) Any lighting on the property shall be designed and erected in accordance with all applicable lighting regulations and requirements.**

This is an existing use, and no new development is proposed with this application. However, if any new parking is created, any new parking lot lighting is required to comply with Design Standards.

**(e) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.**

A drive-through window is not shown as part of this application.

**(f) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.**

No such devices are shown as part of this application.

**(g) No access door to the business, including loading or unloading doors, shall face any residential district if such doors are within 150 feet of the residential district. This shall not apply to emergency exit doors required by building or safety codes. No door facing a residential district shall be kept open during the operation of the establishment.**

The access door opens onto North 48<sup>th</sup> Street and faces other properties in the B-3 district.

**(h) Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible as determined by the City Council, disruption of any residential district. Particular attention shall be given to avoiding designs that encourage use of residential streets for access to the site instead of major streets.**

The parking areas used by patrons include on-street spaces along St. Paul Avenue, spaces behind the restaurant building, and a City-owned public parking lot to the south across St. Paul Avenue. Access to these parking areas is from St. Paul Avenue and

a mid-block alley north of the restaurant, neither of which are considered residential streets in this area.

**(i) All other regulatory requirements for liquor sales shall apply, including licensing by the state.**

**(j) The City Council may consider any of the following as cause to revoke the special permit approved under these regulations:**

**(1) Revocation or cancellation of the liquor license for the specially permitted premises; or**

**(2) Repeated violations related to the operation of the permittee's business.**

**(3) Repeated or continuing failure to take reasonable steps to prevent unreasonable disturbances and anti-social behavior on the premises related to the operation of the permittee's business including, but not limited to, violence on site, drunkenness, vandalism, solicitation, or litter.**

**Planning Commission approval is required for this use.**

## **2. DEPARTMENT RESPONSES:**

**POLICE:** The Police Department does not object to this request.

**PUBLIC WORKS:** Public Works and Utilities does not object to this request.

### **CONDITIONS:**

Site Specific:

1. This approval permits the sale of alcohol for consumption on the premises at 2701 North 48<sup>th</sup> Street as shown on the attached site plan.

General:

2. Before receiving building permits:
  - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.

- 2.1.1 A revised site plan that includes floor area/on-site parking space calculations and that designates the required on-site parking spaces.

Standard:

3. The following conditions are applicable to all requests:
  - 3.1 Before the sale of alcohol for consumption on the premises, all development and construction is to comply with the approved plans.
  - 3.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 3.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 3.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

Prepared by:

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Brian Will, AICP, 441-6362, [bwill@ci.lincoln.ne.us](mailto:bwill@ci.lincoln.ne.us)  
Planner  
May 12, 2004

**CONTACT/  
APPLICANT:**

Kayla Olmer  
2221 South 47<sup>th</sup> Street  
Lincoln, NE 68506  
(402) 805-2784

**OWNER:**

Mary Hepburn O'Shea  
2039 O Street  
Lincoln, NE 68503  
(402) 230-3619

Madison Ave.

Area of Application

**R - 6**

**B - 3**

St. Paul Ave

N. 47th St.

N. 48th St.

N. 49th St.

Baldwin Ave.

**Special Permit #04024**

2002 aerial

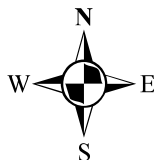
**2701 N. 48th St.**

**Ville Grill**

### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 17 T10N R7E



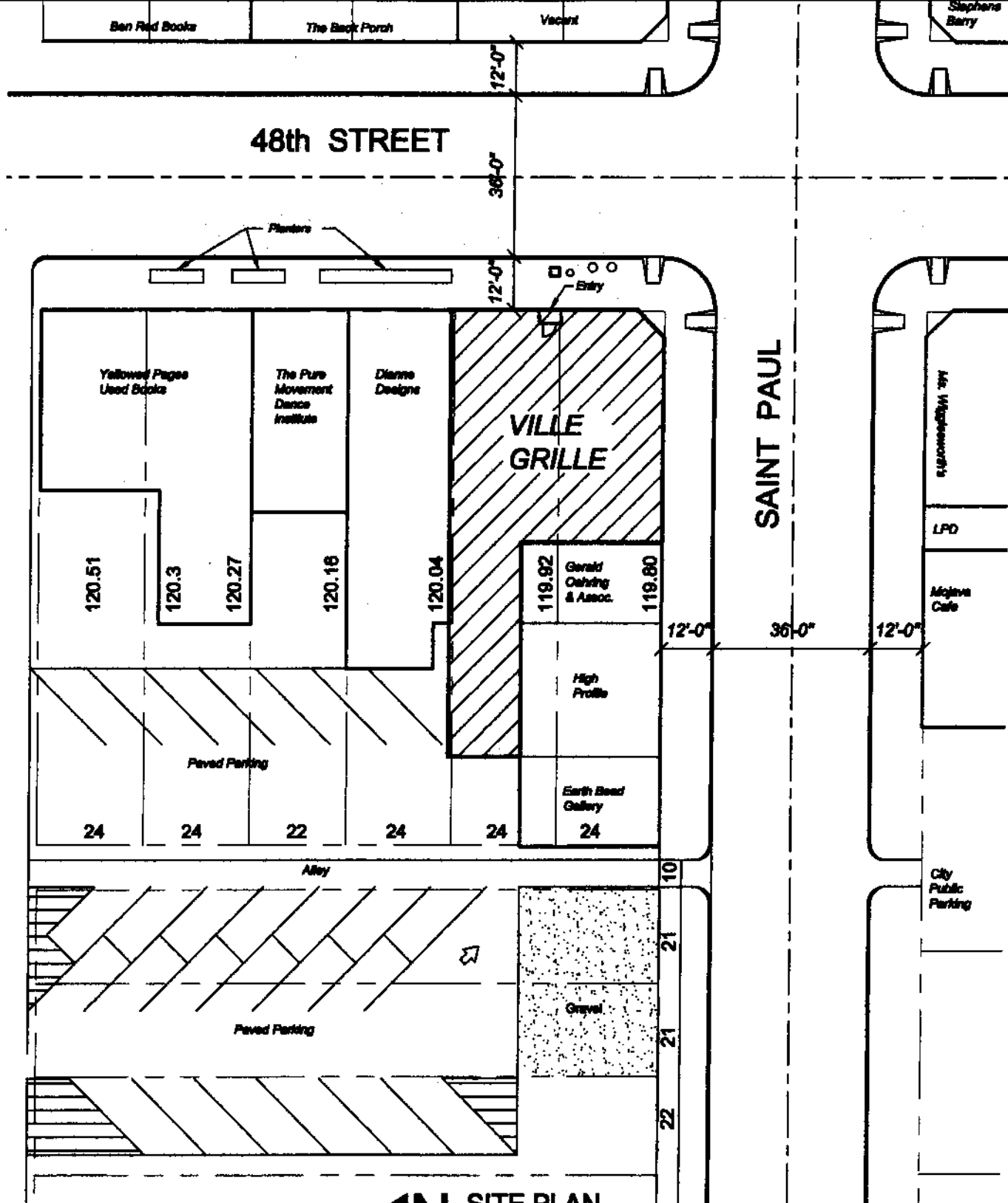
Zoning Jurisdiction Lines  
City Limit Jurisdiction

Adams St.

N. 40th St.

N. 48th St.

Holdrege St.



**SITE PLAN**  
Scale: 1" = 30'-0"

Lots D thru I, Block 68, University Place, Lincoln, Lancaster County, Nebraska, in the Northwest Quarter of Section 17-T10N-R7E of the 6th P.M.

**THE VILLE GRILLE**  
**LIQUOR LICENSE APPLICATION**  
4/19/2004

APR 27 2004

To Whom It May Concern:

The purpose of this application is to gain a permit for the sale of alcohol (beer and wine only) at The Ville Grille. We are currently operating as a restaurant and soda fountain and will continue to do so with the addition of beer and wine, provided we meet the requirements of attaining a liquor license.

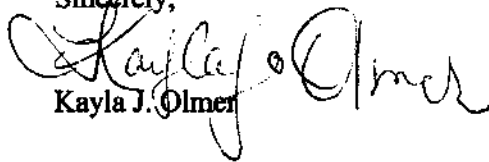
We do not plan to sell hard liquor, nor do we plan on selling any alcohol off-sale. We do not plan on making alcohol the feature of our restaurant. The Ville Grille will continue to operate as a restaurant first and foremost, and our hours will continue to reflect that. These facts lead us to believe that we will not encounter many of the problems that bars and off-sale liquor sellers sometimes have. Our main goal is to improve our business as well as the neighborhood, and we feel that obtaining a liquor license under these conditions will bring a positive result for both.

As you probably already know, steps are being taken to revitalize this particular commercial area and neighborhood. (i.e. plans for mixed usage in area buildings). We have been to a neighborhood meeting and have spoken to many local residents and businesses. A vast majority of the people we spoke with are not against our plan of applying for a liquor license, and many also are very supportive, and agreed that obtaining a liquor license would be a positive step in revitalizing the neighborhood.

Enclosed is an informal petition signed by those I mentioned above who are in favor of on-sale beer and wine in our restaurant.

Thank for your time and consideration.

Sincerely,

  
Kayla J. Olmer

APR 27 2004



2039 Q Street  
Lincoln, Ne. 68503  
March 22, 2004

To: City Planning Commission and  
Lincoln City Council

From: Mary Hepburn O'Shea

Re: Ville Grille Application for  
Beer and Wine License

I am the owner of 2701 N. 48th Street and of the restaurant known as Ville Grille which is leased to Kevin and Kayla Ohlmer. It is my understanding Kevin and Kayla have applied for a liquor license to serve as part of the choices people have with their meals. It is not meant to be a bar, but it is meant to attract more people who wish an evening drink with their meal to the restaurant.

The restaurant has a good noon business, but the other businesses which serve alcohol have waiting lists to get in while the Ville Grille is not doing well with their evening trade. To my surprise, the University Place Neighborhood Association actually brought up the fact many of the members would like to have beer and wine available at the Ville Grille.

People who come to eat at the restaurant have a choice of a soda fountain, milk shakes, ice cream sundies and as long as the liquor license is not for off sale liquor, but as a choice with food it has my full support.

Thank you for whatever support you can give to help us have more variety in our neighborhood.

*Mary Hepburn O'Shea*  
Mary Hepburn O'Shea

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We at the Ville Grille are applying for a liquor license so that we can provide beer and wine to compliment our soon-to-be upgraded dinner menu. We do not plan on selling beer for off-sale consumption, nor do we plan on making alcohol the featured attraction for our establishment, nor do we plan on lengthening our business hours past those of a typical restaurant. The Ville Grille will continue to function first and foremost as a restaurant. For these reasons, we do not believe that our restaurant will encounter the problems associated with some off-sale liquor establishments or even late-night bars.

Our goal is to improve our business while giving the surrounding neighborhood a fairly simple added option that most restaurants already have. We feel that many of our patrons would appreciate the option of having beer or wine with their meal. However, because of our location, and city zoning provisions, we are required to submit a special permit in addition to our liquor license application. The approval and support of the community is important to us. Please sign this informal petition if you are in favor of our restaurant having the option of on-sale beer and wine. Thank you for your time and consideration.

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# BUSINESS

MS.	Name	Address	Signature	Date
ARTS	Linda Ponce	2649 NO. 48th	Linda Ponce	3-17-04
ARTS	Kelly Erickson	21633 N 48th	Kelly Erickson	3-17-04
ARTS	Kelly Erickson	1941 N 163rd St	Kelly Erickson	3-17-04
ARTS	Dan NEBERMA	2615 N. 48th	Dan NEBERMA	3-17-04
ARTS	Julie Diegel	1703 N. 65th	Julie Diegel	3-17-04
ARTS	John Burdick	4712 Glenstone St	John Burdick	3-17-04
ARTS	JOAN FURR	3901 S 27th	Joan Furr	3-17-04
ARTS	Donna Horvath	527 Terrace Rd	Donna Horvath	3-17-04
ARTS	David Hernandez	527 Terrace Rd	David Hernandez	3-17-04
ARTS	Sandra Simpson	2626 N. 48th	Sandra Simpson	3-17-04
ARTS	Kim Charbonneau	2634 N 48th	Kim Charbonneau	3-17-04
ARTS	Judy Gillispie	3403 Alameda Dr	Judy Gillispie	3-17-04
ARTS	Judy Gillispie	2650 N. 48th St	Judy Gillispie	3-19-04
ARTS	Carol Edwards	2714 N. 48th St	Carol Edwards	3-19-04
ARTS	Deborah Runk	5235 Cooper #2	Deborah Runk	3-19-04
ARTS	ROBERT GRIFFIN	5600 GREENWOOD	Robert Griffin	3-19-04
ARTS	Ron Hinkley	30 2726 N. 48th	Ron Hinkley	3/19/04
ARTS	Toni Hinkley	3012 N. 75th	Toni Hinkley	3-19-04
ARTS	Peggy L. McDermott	5042 MORRILL AVE LINCOLN	Peggy L. McDermott	3-19-04
ARTS	Kim Bivens	2738 N 48th	Kim Bivens	3-19-04
ARTS	James Powell	1044 Garber Ave #4 Lincoln	James Powell	3/19/04
ARTS	Teffananda Davis	4611 Cleveland Ave	Teffananda Davis	3/19-04
ARTS	Monica Jenkins	7111 Garland Lincoln 68505	Monica Jenkins	3-19-04
ARTS	Carol Stevenson	3419 J St	Carol Stevenson	3/19/04
ARTS	Shawn Stone	4300 Cornhusker #28	Shawn Stone	3/19/04
ARTS	Amber Anderson	643 So. 11th St. Apt #3 68508	Amber Anderson	3/19/04
ARTS	Michelle Howell	1522 Valley View Dr	Michelle Howell	3/19/04
ARTS	Chelle Egan	3135 Orchard St	Chelle Egan	3/19/04
ARTS	Jeannette Wilson	3433 J	Jeannette Wilson	3-19-04
ARTS	M. DIANE BUCKINGHAM	4230 NO 176th	M. DIANE BUCKINGHAM	3-19-04
ARTS	PAUL MACMILLAN	1122 S. 16th Lincoln	Paul Macmillan	3-26-04
ARTS	Pat McLean	5110 Madison Ave. Lincoln	Pat McLean	3-26-04
ARTS	JUSTIN SCHULTZ	3821 Baldwin Ave. #38 Lincoln	Justin Schultz	3-28-04
ARTS	Tashonda Ford	808 Peach St #3 Lincoln NE	Tashonda Ford	3-27-04
ARTS	Horikoko Rozals	28-20-MY-54-#3 Lincoln NE	Horikoko Rozals	3-27-04
ARTS	Irene Sanchez	2470 E. 54th Lincoln NE	Irene Sanchez	3-27-04

APR 27 2004

[illegible]

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## OWNERSHIP CERTIFICATE

**FILE NO:** 6011183

**TO:** Kayla Olmer

Nebraska Title Company, authorized to engage in the business of abstracting in the State of Nebraska under Certificate of Authority No. 56, hereby certifies that the records of LANCASTER County, Nebraska have been carefully examined with referenced to the following described property, and from such examination finds as follows:

**LEGAL DESCRIPTION:**

Lots E and F, Lang's Subdivision of Lots 9-12, Block 68, University Place, Lincoln, Lancaster County, Nebraska.

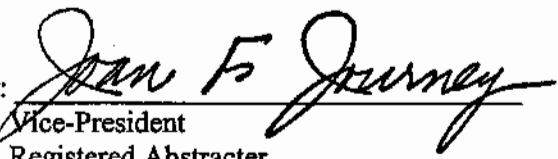
**OWNER OF RECORD:**

Mary Hepburn O'Shea

**Effective Date:** April 20, 2004 at 8:00 am

Nebraska Title Company

By:

  
Vice-President  
Registered Abstractor

APR 27 2004